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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/827,309
				Filing Date	April 20, 2004
				First Named Inventor	Michael B. Zemel
				Art Unit	3622
				Examiner Name	Daniel Lastra
Sheet	1	of	1	Attorney Docket Number	31894-199326

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
DL	AA	US-6,384,088-B1	05-07-2002	Hinz	

FOREIGN PATENT DOCUMENTS						
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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

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NON PATENT LITERATURE DOCUMENTS			
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DL	CA	Garrow, J.S., et al., "Inpatient-Outpatient Randomized Comparison of Cambridge Diet Versus Milk Diet in 17 Obese Women Over 24 Weeks," <i>International Journal of Obesity</i> , 13: 521-529 (1989).	
	CB	McCarron, David A., et al., "Blood Pressure and Nutrient Intake in the United States," <i>Science</i> 224:1392-1398 (1984).	
	CC	Metz, J.A., et al., "Modification of Total Body Fat in Spontaneously Hypertensive Rats and Wistar-Kyoto Rats by Dietary Calcium and Sodium," <i>American Journal of Hypertension, Inc.</i> 1:58-60 (1988).	
	CD	Skinner, J., et al., "Does Dietary Calcium Have a Role in Body Fat Mass Accumulation in Young Children?," <i>Nutrition</i> , suppl no 34, pp 45S (1999).	
	CE	Summerbell, Carolyn D., et al., "Randomised Controlled Trial of Novel, Simple, and Well Supervised Weight Reducing Diets in Outpatients," <i>BMJ</i> 317:1487-1489 (1998).	
	CF	Teegarden, D., et al., "Calcium Intake Relates to Change in Body Weight in Young Women," <i>The FASEB Journal</i> 13:A873, Abstracts Part II No. 660.4 (1999).	
	CG	Zemel, Michael B., "Nutritional and Endocrine Modulation of Intracellular Calcium: Implications in Obesity, Insulin Resistance and Hypertension," <i>Molecular and Cellular Biochemistry</i> 188:129-136 (1998).	

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Sheet

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of

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Complete if Known

Application Number	Not Yet Assigned
Filing Date	April 20, 2004
First Named Inventor	Michael B. ZEMEL et al.
Group Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	31894-199326

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

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RL	A10	BÖRJESON, M. [1976] "The aetiology of Obesity in Children," Acta Paediatr Scan 65:279-87	
	A11	CARPER, JEAN [2000] "Amazing Food Facts That Astound the Experts," USA Weekend, Aug. 18-20, 2000, p. 4	
	A12	CNN, "Zemel Weight Loss Story, March 30, 2000; and NATIONAL DAIRY COUNCIL, "Diary Foods May Help Control Weight Gain," June 9, 2000, videotape	
	A13	COLINO, S., "Advanced Calcium, Lose Weight, avoid PMS and ward off cancer, all with one basic nutritional element," Women's Sports & Fitness, March 2000, page 56	
	A14	DAVIS, J.; "Weight-Loss Tip: Add Extra Calcium to a Low-Fat Diet, Low-Fat Dairy Products May Help Weight Loss, Control," WebMDHealth, April 17, 2000 (printed from website), Publisher: 2000 Healtheon/WebMD	
	A15	FLEET, J.C. [1999] "Vitamin D. Receptors: Not Just in the Nucleus Anymore," Nutrition Reviews Vol. 57, No. 2, pp.60-2	
	A16	FLEURY, CHRISTOPHE, et al. [1997] "Uncoupling Protein-2: a Novel Gene Linked to Obesity and Hyperinsulinemia," Nature Genetics 15:269-72	
	A17	Gimeno, R. et al. [1997] "Cloning and Characterization of an Uncoupling Protein Homolog: A Potential Molecular Mediator of Human Thermogenesis," Diabetes 46:900-06	
	A18	JONES, BRYNN H., et al. [1997] "Angiotensin II Increase Lipogenesis in 3T3-L1 and Human Adipose Cells," Endocrinology, Vol. 138, No. 4, pp. 1512-19	
	A19	KIM, JUNG HAN et al. [1996] "The Effects of Calcium Channel Blockade on Agouti-Induced Obesity", The FASEB Journal 10:1646-52	
✓	A20	LANGE, D., "The Calcium Diet", Allure, August 2000, page 84	

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Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	Not Yet Assigned
		Filing Date	April 20, 2004
		First Named Inventor	Michael B. ZEMEL et al.
		Group Art Unit	Not Yet Assigned
		Examiner Name	Not Yet Assigned
Sheet	3	of	5
		Attorney Docket Number	31894-199326

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
DL	A21	MASLOWSKA, M. et al. [1998] "Site Specific Binding of Acylation Stimulating Protein (ASP) in Human Adipose Tissue," Int. J. Obesity 22:S108 (P50)	
	A22	McCarty, L., "Got Milk, Lose Weight?," Remedy Magazine, March/April 2000, page 11	
	A23	MOLL, P.P., et al. [1991] "The Genetic and Environmental Sources of Body Mass Index Variability: The Muscatine Ponderosity Family Study," Am. J. Hum. Genet. 49:1243-55.	
	A24	MUNDELL, E.J., "Trying to Lose Weight? Calcium May Help", Reuters health report, April 17, 2000, (printed from website), Publisher: Reuters Limited	
	A25	MYNATT, R.L., et al. [1997] "Combined Effects of Insulin Treatment and Adipose Tissue-Specific Agouti Expression on the Development of Obesity," Proc. Natl. Acad. Sci. USA 94:919-922	
	A26	NEMERE, I., et al. [1998] "Identification of a Membrane Receptor for 1, 25-Dihydroxyvitamin D ₃ Which Mediates Rapid Activation of Protein Kinase C," J. of Bone and Mineral Research 13:1353-59	
	A27	PANTALONE, M., "Hello Calcium, Goodbye Fat," UT Agriculture, Fall 2000, Pages 5-7	
	A28	RABKIN, R., "Calcium Promotes Weight Loss," Family Circle, October 3, 2000, page 98	
	A29	RALOFF, J., "Calcium May Become a Dieter's Best Friend," Science News, April 29, 2000, page 277, Vol.157	
	A30	SHI, HANG, et al. [1999] "Role of the Sulfonylurea Receptor in Regulating Human Adipocyte Metabolism," The FASEB Journal 13:1833-38	
↓	A31	SHI, H. et al. [2000] "Effects of Dietary Calcium on Adipocyte Lipid Metabolism and Body Weight Regulation in Energy-Restricted Mice," FASEB J 14:555.3 (page A790)	

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Complete if Known	
		Application Number	Not Yet Assigned
		Filing Date	April 20, 2004
		First Named Inventor	Michael B. ZEMEL et al.
		Group Art Unit	Not Yet Assigned
		Examiner Name	Not Yet Assigned
		Attorney Docket Number	31894-199326
Sheet	4	of	5

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
DL	A32	SHI, H. et al. [2000] "1, 25-Dihydroxyvitamin D (1, 25-(OH) ₂ -D) Inhibits Uncoupling Protein 2 (UCP2) Expression in Human Adipocytes," Obesity Research 8(1):52S (O154)	
	A33	SHI, H. et al. [2001] "Effects of Dietary calcium on Adipocyte Lipid Metabolism and Body Weight Regulation in Energy-Restricted aP2-agouti Transgenic Mice," FASEB J 15:291-3 and 10.1096/j.00-0584jfe	
	A34	SHI, H. et al. [2001] "1α, 25-Dihydroxyvitamin D ₃ Modulates Human Adipocyte Metabolism via Nongenomic Action," FASEB J 15:835.6 (page A1091)	
	A35	SMITH, S., "Functional Foods... Potential New Functional Qualities of Dairy Foods," NCC Newsletter, 2001, pages 34-5, Vol. 3, issue 2; Publisher: Nutrition in Complementary Care	
	A36	SOBEL, R.K. [2000] "Catching the Fat Bug," U.S. News & World Report p. 64	
	A37	SUMMERBELL, C.D., et al. [1998] "Randomised Controlled Trial of Novel, Simple, and Well Supervised Weight Reducing Diets in Outpatients," BMJ 317:1487-89	
	A38	Unknown, "5-Step Fat-Blasting Diet," Prevention Magazine, June 2000, page 151	
	A39	Unknown, "Calcium and Weight-Loss," Medizine, Jan-Feb-Mar 2001, page 52	
	A40	ZEMEL, M. et al. [1999] "Calcium and Calcium-Rich Dairy Products Reduce Body Fat," FASEB J 12:LB211	
	A41	ZEMEL, M. et al. [1999] "Synergism between Diet-induced Hyperinsulinemia and Adipocyte-Specific Agouti Expression," FASEB J 13:660.3 (page A873)	
↓	A42	ZEMEL, M., "Readers Want to Know," Bottom Line/Health, October 2000	

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**INFORMATION DISCLOSURE
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Sheet 5 of 5

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Application Number	Not Yet Assigned
Filing Date	April 20, 2004
First Named Inventor	Michael B. ZEMEL et al.
Group Art Unit	Not Yet Assigned
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DL	A43	ZEMEL, M. et al. [2001] "Effects of Calcium-Fortified Breakfast Cereal on Adiposity in a Transgenic Mouse Model of Obesity," FASEB J 15:480.7 (page A598)	
	A44	ZEMEL, M. B. et al. [2000] "Regulation of Adiposity by Dietary Calcium," The FASEB Journal, Vol. 14, No. 9, pp. 1132-7	
	A45	ZEMEL, P. et al. [2000] "Increasing Dietary Calcium and Dairy Product Consumption Reduces the Relative Risk of Obesity in Humans," Obesity Research 8(1):118 (HT-04)	
	A46	SANWA KAGAKU KENKYUSHO CO, "Stabilised Oligo Peptide Composition for Sleep-Improving Drug Containing Oligo-Peptide and Bovine Bone Powder as Calcium Salt, for Obesity Treatment, etc.," Database WPI, Section Ch, Week 199028, Derwent Publications Ltd., London, GB; Class B04, AN 1990-214417, XP002206900 & JP 02 145525 A, June 5, 1990 - abstract	
	A47	MEIJI SEIKA KAISHA, "Food Compound for Overweight Clients - Obtained by Blending Water Soluble Dietary Fibers and Insoluble Calcium Compound in Acidic Conditions, e.g., Gastric Juice," Database WPI, Section Ch, Week 199211, Derwent Publication Ltd., London, GB; Class D13, AN 1992-083488, XP002206898 & JP 04 023968 A, January 28, 1992 - abstract	
	A48	MEIJI SEIKA KAISHA, "Diet or Diabetic Food - Contains Water-Soluble Food Fiber, Preferably Arginine Acid (Salt), and Insoluble Calcium Compound," Database WPI, Section Ch, Week 199532, Derwent Publication Ltd., London, GB; Class B04, AN 1995-242723, XP002206899 & JP 07 147935 A, June 13, 1995 - abstract	
	A49	B. BOUILLON, et al., "Structure-Function Relationships In The Vitamin D Endocrine System," Endocrine Rev. (1995) pp. 200- 57, Vol. 16.	
	A50	A.W. NORMAN, "Receptor for 1 α ,25(OH) $_2$ D $_3$: Past, Present, and Future," J. Bone. Miner. Res. (1998) pp. 1360-69, Vol. 13.	
✓	A51	A. NORMAN et al., "Demonstration That 1 β ,25-Dihydroxyvitamin D $_3$ Is An Antagonist Of The Nongenomic But Genomic Biological Response And Biological Profile Of The Three A-Ring Diastereomers Of 1 α ,25-Dihydroxyvitamin D $_3$," J. Biol. Chem. (1993) pp. 20022-30, Vol. 268.	

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